



**EXPEDITED RULE MAKING
(Chapter 25, Laws of 2001)**

**CR-105 (7/22/01)
EXPEDITED RULE MAKING ONLY**

Agency: Department of Ecology A.O. #: 02-18

(a) Title of rule: (Describe Subject) Chapter 173-06 WAC Delegation of Powers Chapter 173-06-120, Delegation will be amended and substantially replaced. **Only WAC 173-06-120 is being revised.**

Purpose: To amend Chapter 173-06 WAC so it will conform and be consistent with Chapter 43.21A RCW while also providing an administratively manageable framework for delegation of authority from the director to employees of the department. Both the statute and the rule address the establishment of appropriate Signature Delegation processes in the Department of Ecology. The rule amendments will update Chapter 173-06 120 WAC and provide clear guidance for Signature Delegation in Ecology.

Other identifying information:

(b) Statutory authority for adoption: RCW 34.05.322, RCW 43.21A.080 and RCW 43.21A.090

Statute being implemented: RCW 43.21A.090

(c) Summary: Clarifies Delegation of Powers and grants clear authority for employees of the Department to carry out their assigned responsibilities, removes the requirement that delegation must be in writing by letter from the Director, and establishes clear linkage to the Ecology Policy on delegating authority to Ecology Employees.

Reasons supporting proposal: Revising the delegation of power rule will clarify downward delegation by the Director; removal of the letter requirement will save considerable time and expenses in preparing and maintaining a downward delegation letter tracking systems; employees of the Department will be able to conduct their jobs knowing that they have appropriate authority to do so.

(d) Name of Agency Personnel Responsible for:

Office Location

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(e) Name of proponent (person or organization): Washington Department of Ecology, Olympia Washington

☐ Private

☐ Public

☒ Governmental

(f) Agency comments or recommendations, if any, as to statutory language, implementation, enforcement and fiscal matters: N/A

(g) Is rule necessary because of:

Federal Law?

☐ Yes

☒ No

If yes, ATTACH COPY OF TEXT

Federal Court Decision?

☐ Yes

☒ No

Citation:

State Court Decision?

☐ Yes

☒ No

NOTICE

THIS RULE IS BEING PROPOSED UNDER AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THIS USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO

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AND RECEIVED BY (Date) April 7, 2003

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2/3/03

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(COMPLETE REVERSE SIDE)

(j) Short explanation of rule, its purpose, and anticipated effects:

This rule making would revise Chapter 173-06 120 WAC, Delegation of Powers. The current rule requires that Delegation of Powers (Signature Delegation) be in the form of a letter from the Director to the individual receiving delegation and that the Delegation letter be specific as to the extent of delegations being granted

Department of Ecology Policy I-05 also addresses delegation and includes two matrixes, Formal and Informal, that guides certain signature delegations and the limits of those delegations. The use of the Matrix is linked to the Delegation of Power rule.

The effects of the proposed amendments would be to

1. Delete the requirement that signature delegation be in the form of a letter from the director.
2. Utilizes a signature delegation matrix as the means for specifying delegated authority instead of issuing individual letters.
3. Clean up some old and out of date language in the existing rule.

The proposed rule and policy revisions will specify the extent of signature authority for department employee positions whose assigned duties and responsibilities include authority to take formal or other action on behalf of the director and/or the department, including but not limited to the issuance of penalties, orders, directives, permits, or other decisions reviewable before appropriate administrative or judicial bodies.

Does proposal change existing rules?

☒ YES

☐ NO

If yes, describe changes:

Chapter 173-06 will be revised. Specifically section (173-06 WAC) 120 will be deleted and replaced with new text addressing the changes identified above.